

DATE: February 27, 1997

DSL-BQA-97-07

TO: Nursing Homes
Community-Based Residential Facilities

FROM: Judy Fryback, Director
Bureau of Quality Assurance

NH 05
CBRF 03

SUBJECT: Conversion to an Assisted Living Facility

OVERVIEW: This memo describes the steps a community-based residential facility or a nursing home must take if they wish to convert all or part of their facility into an assisted living facility. The requirements in #5, below, also apply to any facility that decides to close.

On March 1, 1997, the state rule regulating the registration of assisted living facilities (HFS 89, Wisconsin Administrative Code) takes effect. Some community-based residential facilities or nursing homes may be considering converting all or part of their facility into an assisted living facility. If so, we are providing the following guidelines so that these facilities comply with the applicable requirements found at HFS 89.61, Wis. Admin. Code, and the relocation requirements in s. 50, Wisconsin Statutes, and Wis. Admin. Codes HSS 132 and HFS 83.

1. Facilities converting all or part of their facility into an assisted living facility must submit, with their application, a description and either a floor plan or sketch demonstrating physical separation.
2. Facilities must submit a description of programmatic separation, as required at HFS 89.22(4)(c).
3. Nursing homes must submit to the Department the number of licensed nursing home beds which they are agreeing to delicense.
4. Applicants (with the exception of the Wisconsin Veterans Home at King) must submit the required certification fee.
5. Applicants must meet the following relocation requirements with respect to CBRF or nursing home residents who may be discharged or transferred because of the conversion:
 - a. If 1 to 4 residents will be discharged because of the conversion to an assisted living facility, each resident, guardian, or designated representative must be given 30-days advance notice prior to discharge and prior to the effective date of the conversion.

In addition, **community-based residential facilities** are required to provide an explanation of the need for or possible alternatives to transfer and shall provide assistance in relocating the resident. A living arrangement suitable to meet the needs of the resident shall be located prior to the transfer of the resident [HFS 83.20(2)(b)1-2].

Nursing homes, in addition, are required to provide the name, address, and telephone number of the board on aging and long-term care or the mailing address and telephone number of the protection and advocacy agency if the resident has a developmental disability or mental illness. Nursing homes must hold a planning conference at least 14 days before transfer and give notice of this conference at least 7 days before the conference is held. The nursing home shall provide counseling regarding the move, shall provide an opportunity for the resident to make at least one visit to a potential alternative placement, assist in moving the resident and his/her belongings and shall provide needed medications and treatments during the relocation [HSS 132.53(2)(b)1].

- b. If 5 to 50 residents are being discharged because of the conversion to an assisted living facility, the conversion date may not be earlier than 90 days after the department approves or imposes a relocation plan [s. 50.03(14)(e), Wis. Stats.]. Within this 90-day time frame, each resident, guardian, and a family member if practicable, must be given at least 30 days advance written notice of discharge [s. 50.03(14)(c)1]. In addition to the provisions noted above, other provisions, found at ss. 50.03(14)(c)(1-8), Wis. Stats., must be met. These include notifying the department of the transfer, submission to the department of a relocation plan, attempts to resolve resident complaints and to secure an alternate placement, holding a planning conference with the resident, and implementing the relocation plan.
- c. If more than 50 residents are being discharged because of the conversion to an assisted living facility, the conversion date may not be earlier than 120 days after the department approves or imposes a relocation plan. Within this 120-day time frame, each resident, guardian, and a family member if practicable, must be given at least 30 days advance written notice of discharge [s. 50.03(14)(c)1, Wis. Stats.]. In addition, the provisions of ss. 50.03(14)(c)(1-8), Wis. Stats., noted above, must also be met.
- d. If no residents are being discharged out of the facility but are being transferred to a different room within the facility, the following requirements must be met:

Nursing homes must give the resident or guardian, or any other person designated by the resident, reasonable notice and an explanation of the reasons for the transfer [HSS 132.54].

Community-based residential facilities must give the resident, the resident's guardian and the resident's designated representative 30-day written notice prior to the room transfer [HFS 83.19(1)(a) and (b)].

- e. If no residents are being relocated (facility is converting an unused wing; CBRF is converting but residents have agreed to remain), no advance notice to residents is required before the effective date of the conversion.

Please note that the requirements in #5 must be met whenever residents are involuntarily transferred, including facility closure.

If you have questions, please contact your Regional Field Operations Director:

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